



EVIDENCE TO BE SUPPRESSED

The evidence Mr. Alvarado seeks to suppress includes any statements made by Mr. Alvarado, and all physical evidence seized as a result of the warrantless search and unlawful detention of Mr. Alvarado.

ISSUES TO BE ADDRESSED

The issues to be addressed at the hearing include: the legality of the inception and scope of the traffic stop of Mr. Alvarado, the legality of the detention and/or arrest of Mr. Alvarado, the constitutionality of the interrogations of Mr. Alvarado, and the applicability of the exclusionary rule.

WITNESSES TO BE CALLED

Because the government bears the burden of proof on all issues raised in this motion to suppress, counsel for Alvarado cannot identify all of the witnesses who will testify or the length of their testimony. The defense would request that at least these individuals appear at the hearing: DEA Special Agent Marcus Jensen, HIS TFO Agent Jed Hirsch, Officer Nolan Tanner, and Washington County Deputy Sheriff Montgomery. Should the government have any trouble subpoenaing any of these individuals, please inform my office as soon as possible. In the event that it is necessary to do so, the defense will call Mr. Alvarado. It is anticipated that his testimony will take one hour to present.

Mr. Alvarado requests an evidentiary hearing, and an opportunity to fully brief the Court on all suppression issues following transcription of the hearing.

Respectfully submitted on July 21<sup>th</sup> 2023.

/S/ Frank A. Berardi  
Frank A. Berardi Esq.  
Attorney for Defendant

### **CERTIFICATE OF SERVICE**

I hereby certify that:

☐ I faxed a true and correct copy of the foregoing to the U.S. Attorney's Office at: (801) 524-6924.

☒ I mailed or electronically transferred a true and correct copy of the foregoing, by placing first class postage prepaid with the United States Postal Services, this 21<sup>th</sup> day of July, 2023, to: Office of the United States Attorney, 20 North Main Street, Suite 208 St. George, Utah 84770.

☐ I hand delivered a true and correct copy of the foregoing, placing said copy into the hands of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

The Following Documents were delivered:

**MOTION TO SUPPRESS AND NOTIFICATION OF ORAL TESTIMONY**

/S/ Frank A. Berardi  
Frank A. Berardi